

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7512 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?
1 to 5 : No

CHAMPAKLAL L SHAH

Versus

UNION OF INDIA

Appearance:

NANAVATI & NANAVATI for Petitioners
NOTICE SERVED for Respondent No. 1
SERVED BY RPAD - (N) for Respondent No. 2

CORAM : MR.JUSTICE K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

Date of decision: 18/03/98

ORAL JUDGEMENT (Per K.G.Balakrishnan,J.)

Currency Notes worth Rs.50,000/- were seized from the petitioners on 17-8-1969 under the provisions of the Customs Act, 1962. Two show cause notices were issued to the petitioners to show cause as to why these currency

notes should not be confiscated. The petitioners challenged the show cause notices by filing Special Civil Applications No.993 of 1990 and 994 of 1990 before this Court. The Show cause notices were quashed by a Division Bench of this Court and the respondents herein were directed to return the currency notes to the petitioners. The respondents herein filed two Civil Appeals against the judgments passed by this Court. When the appeals came up for admission before the Supreme Court, the following interim order was passed:

"There will be a stay of the operation of the judgment impugned pending the disposal of the appeal in this Court on the undertaking of the appellant to pay the amount in question with interest at the rate of 12 percent per annum, in case the appeal fails.

Civil Appeals No.1204/75 and 1205 of 1995, wherein the above interim order was passed, were finally disposed of by the following order:

"Having heard the learned Counsel for the parties we are of the opinion that there is no merit in this appeal. It is accordingly dismissed, but there shall be no order as to costs."

The grievance of the petitioners is that inspite of the final disposal of the Civil Appeals as early as on 31st August 1990, the amount has not been returned to the petitioners. They have prayed for a direction that the respondents shall be directed to pay Rs.50,000/- to the petitioners with interest at the rate of 12% per annum from the date of the order of the Hon'ble High Court.

2. We heard the learned Counsel for the petitioners. The Supreme Court had finally disposed of the Civil Appeals as early as on 31st August 1990. When the Department received communication of such disposal of the Civil Appeals filed on their behalf, they ought to have returned the amount within a reasonable time. Article 144 of the Constitution enjoins that all authorities, civil and judicial, in the territory of India shall act in aid of the Supreme Court. The orders or directions passed by the Supreme Court are to be obeyed and implemented by the authorities. Moreover, in the instant case, the respondents themselves have filed the appeal and they got an adverse verdict at the hands of the Hon'ble Supreme Court. We are told that the petitioners have not received the amount so far from the respondents.

3. Under the circumstances, we direct the respondents, more particularly respondent no.3, to pay Rs.50,000/- with interest at 12% per annum from 22-3-1976 till the date of payment on or before 20th of April 1998, if payment is not already made. Rule is made absolute to that extent with no order as to costs.

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